

Dated: December 16, 2010



The following is ORDERED:

A handwritten signature in cursive script, reading "Tom R. Cornish".

TOM R. CORNISH  
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

IN RE:  
KEITH COLLINS  
KIM COLLINS

Case No. 10-82059-TRC  
Chapter 7

Debtors.

ORDER REGARDING DEBTORS' MOTION TO EXTEND THE AUTOMATIC STAY

Debtors' Motion for Extension of Automatic Stay (Docket Entry 14) came on for evidentiary hearing before this Court on December 15, 2010. No one appeared at the hearing. After review of the Motion, the Court cannot find sufficient information from the pleadings to rebut the presumption that the case was not filed in good faith, pursuant to 11 U.S.C. § 362(c)(3).

Pursuant to § 362(c)(3), the automatic stay is limited to thirty days where the debtor has had a prior bankruptcy case dismissed within the year. To continue the automatic stay in effect, the debtor must demonstrate that the filing of the later case was made in good faith as to the creditors who are stayed by the filing. Section 362(c)(3)(C) establishes a presumption that the case was not filed in good faith where certain circumstances exist, such as debtor's failure to provide adequate protection as ordered in the previous case, failed to perform the terms of a confirmed plan, or where

there has been no substantial change in the financial or personal affairs of the debtor since the dismissal. The debtor must rebut the presumption that it was not filed in good faith with clear and convincing evidence.

Therefore, the Court shall allow Debtors until December 22, 2010 within which to file a supplement with this Court providing sufficient reasons for the extension of the automatic stay. Should Debtors fail to provide supplemental information sufficient to sustain their burden under 362(c)(3), the Court shall enter an order denying Debtors' Motion and the automatic stay shall terminate.

IT IS THEREFORE ORDERED that the Debtors shall file a Supplement to their Motion for Extension of the Automatic Stay by December 22, 2010 in accordance with the terms of this Order.

IT IS FURTHER ORDERED that the automatic stay shall be continued until further order of this Court.

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